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AUG 1 5 2012

N.J. BOARD OF NURSING

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
P.O. Box 45029
124 Halsey Street, Fifth Floor
Newark, NJ 07101

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

FRANK MARTUCCI, R.N.
License # NO 10066300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about January 30, 2012, the Board sent an inquiry to respondent at his address of record with the Board by certified and regular mail, asking questions about his nursing practice, and asking for production of documentation of completion of continuing education.

3. The certified mailing was returned, unclaimed. The regular mailing was not returned. The Board did not receive a response.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board inquiry constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice in the State of New Jersey was entered on April 27, 2012 and a copies served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order of Discipline by providing the information originally requested by the Board. Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration as to the issue of Respondent's duty to cooperate, as respondent did not dispute the Findings of Fact or Conclusions of Law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to provide the Board with the requested

information when originally requested, thereby necessitating the filing of a Provisional Order of Discipline and review of Respondent's reply months later, warrants imposition of the two hundred dollar (\$200.00) civil penalty.

ACCORDINGLY, IT IS on this 15th day of August, 2012,

ORDERED that:

1. A \$200.00 civil penalty is hereby imposed. Payment shall be in the form of a certified check or money order made payable to the State of New Jersey, and shall be forwarded to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101 within fifteen (15) days following the filing of this Final Order of Discipline.

NEW JERSEY STATE BOARD OF NURSING
By: Patricia Ann Murphy PLD, APRN, FAAN
Patricia Ann Murphy, PhD, APN
Board President